



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

June 9, 2015

Grinnell Corporation
ITT Grinnell c/o Matthew Tanzer, VP, Associate Counsel
Tyco International
9 Roszel Road
Princeton, NJ 08540

And

Joseph Janeczek, Director
Global Environmental Compliance
Tyco International
9 Roszel Road
Princeton, NJ 08540

Re: Supplemental Request for Information Pursuant to Section 104 of CERCLA for the
Keddy Mill Superfund Site, Windham, ME

Dear Mr. Tanzer and Mr. Janeczek:

This letter seeks your cooperation in providing additional information and documents regarding Grinnell Corporation ("Grinnell") relating to the environmental conditions at, and cleanup of, the Keddy Mill Superfund Site located at 7 Depot Street, Windham, Maine ("Site").

The United States Environmental Protection Agency ("EPA") is investigating the release or threatened release of hazardous substances, pollutants, and contaminants at the Site. This investigation includes an inquiry into the identification, nature, source, and quantity of materials transported to or generated, treated, stored, or disposed of at the Site. EPA is also seeking information concerning those persons responsible for the cleanup of the Site and their ability to undertake or finance that cleanup.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request set forth in the Enclosure to this letter.

While EPA seeks your voluntary cooperation in this investigation, compliance with the Information Request is required by law. Failure to provide a complete truthful response to this Information Request within thirty (30) days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action by EPA pursuant to Section 104(e) of CERCLA. This provision permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of non-compliance. Please note that responses which are incomplete, ambiguous, or evasive will be treated as complete non-compliance with this Information Request. Also be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Supplemental Information Request should be mailed to:

Donna Murray, Enforcement Coordinator
U.S. Environmental Protection Agency, Region 1
Office of Site Remediation and Restoration
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, MA 02109-3912

If you have general questions concerning the Site or this Information Request, please contact Leslie McVickar, Remedial Project Manager, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100 (OSRR07-4), Boston, MA 02109-3912 at (617) 918-1374. If you have any legal questions, or if your attorney wishes to communicate with EPA on your behalf, please contact Susan Scott, Senior Enforcement Counsel, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100 (OES04-2), Boston, MA 02109-3912, at (617) 918-1778.

We appreciate and look forward to your prompt response to this information request.

Sincerely,



Anni Loughlin, Chief
Maine, Vermont and Connecticut Superfund Section
Office of Site Remediation and Restoration

Enclosures: Information Request, including the following: information request questions; a declaration for signature; information request instructions; EPA's contractor list; information request definitions; and a Site description.

cc: Susan Scott, EPA Senior Enforcement Counsel
Leslie McVickar, EPA Remedial Project Manager
Donna Murray, EPA Enforcement Coordinator
Rebecca Hewett, Maine DEP
Patti Ludwig, EPA CERCLIS Data Administrator
OSRR Record Center

**INFORMATION REQUEST FOR
KEDDY MILL SUPERFUND SITE**

* **Period Being Investigated: 1961 to Present** *
* *

In addition to the questions which follow, this enclosure includes a declaration, a site description, detailed instructions for responding to this request, and definitions of words such as "Respondent," "identify," "waste," and "asset" used in the questions. These materials appear at the end of the questions; please refer to them in answering all questions. Of particular importance:

- Answer each question with respect to the period being investigated noted above unless the question indicates otherwise.
- Answer all questions completely in accordance with the definitions and instructions.
- Complete the enclosed declaration.
- For each question, identify all persons and documents relied upon in the preparation of the answer.
- All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.

This request imposes a continuing obligation upon you to submit responsive information discovered after your original response is submitted to EPA.

INFORMATION REQUEST QUESTIONS

1. General Information About Respondent:

NOTE: All questions in this section refer to the present time unless otherwise indicated.

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and email address.
- c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including any legal notices, please so indicate here by providing that individual's name, address, telephone number, and email address.

2. Respondent's Corporate and Operational Information:

NOTE: All questions in this section refer to the period being investigated.

- a. In its February 11, 2015 response to Question 1.d of the information request dated November 13, 2014, Tyco International, on behalf of its subsidiary Simplex Grinnell, stated that "in 1976, Tyco purchased the stock of an entity named 'Grinnell Fire Protection Systems Company, Inc.', or GFPS from ITT as part of ITT's court-ordered divestiture." Please provide a copy of the stock purchase agreement, plan of divestiture or other documents(s) memorializing this acquisition.
- b. In its February 11, 2015 response to Question 1.d of the information request dated November 13, 2014, Tyco International, on behalf of its subsidiary Simplex Grinnell, stated that GFPS was "a new legal entity formed by the ITT Trustee to hold the remaining assets of ITT's 'Fire Protection Division of Grinnell'." Please provide a copy of the document(s) supporting the above assertion.
- c. In its February 11, 2015 response to Question 1.d of the information request dated November 13, 2014, Tyco International, on behalf of its subsidiary Simplex Grinnell, stated that the deed from ITT Grinnell Corporation (formerly Grinnell Corporation) to Park Corporation on August 21, 1973 was executed "well before the Trustee began to collect the assets to put into the newly created GFPS." Please provide documentation supporting the above assertion.

- d. In its February 11, 2015 response to Question 1.d of the information request dated November 13, 2014, Tyco International, on behalf of its subsidiary Simplex Grinnell, stated that in 1986, Tyco purchased additional assets from ITT. Please provide any information you may have regarding this purchase of ITT Grinnell and or a copy of the purchase agreement.
- e. Please provide any information you may have regarding the acquisition of the Keddy Manufacturing Division by Grinnell Corporation between 1961 and 1969. Please provide any relevant documentation relating to this acquisition.
- f. Please provide any information you may have regarding the name change or corporate change from Keddy Manufacturing Division of Grinnell Corporation to Keddy Manufacturing Division of ITT Grinnell Corporation.
- g. Please provide any information you may have regarding any operations of the Keddy Manufacturing Division of Grinnell.
- h. Please provide any information you may have regarding operations of the Grinnell Fire Protection unit at the Site.

3. Information About Others:

- a. If you have information concerning the operation or ownership of the Site or the source, content or quantity of materials placed/disposed at the Site which is not included in the information you have already provided, provide all such information.
- b. If not already included in your response, if you have reason to believe that there may be persons, including persons currently or formerly employed by Respondent, who are able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- c. If not already provided, identify all persons, including Respondent's current and former employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal, placement or other handling of materials at, or transportation of materials to, the Site.

The following form of declaration must accompany all information submitted by Respondent in response to the Information Request:

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of

_____ and that the foregoing is complete, true, and correct.
Respondent

Executed on _____, 20__

Signature

Type Name

Title [if any]

INFORMATION REQUEST INSTRUCTIONS

1. Answer Every Question Completely. You are required to provide a separate answer to each and every question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. Number Each Answer. Number each answer with the number of the question to which it corresponds.
3. Provide Information about the Period Being Investigated. You are required to answer each question with respect to the period being investigated, unless the question specifically states otherwise. If the response fails to address the period being investigated, EPA will consider this a failure to comply with the request and may take action against you for this noncompliance.
4. Provide the Best Information Available. You must provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Submit Documents with Labels Keyed to Question. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds.
7. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA. Failure to supplement your response within 30 days of discovering such responsive information may subject you to \$37,500 per day penalties. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
8. Complete the Enclosed Declaration. You are required to complete the enclosed declaration which certifies that the information you are providing in response to this Information Request is true, accurate, and complete.
9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a

confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “confidential business information,” “trade secret” or “proprietary” or “company confidential.” Personal financial information, including individual tax returns, may also be claimed as confidential. In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such a claim; the type of information to be submitted is set out in 40 C.F.R. Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.** You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

10. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors listed in the attached EPA Contractor List for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

11. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information." You should note however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you. (Please see Instruction 9 for information concerning treatment of individual tax returns.)

12. Objections to Questions. While the Respondent may indicate that it objects to certain questions in this Information Request, it must provide responsive information notwithstanding those objections. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.

13. Claims of Privilege. If you claim that any document responsive to this Information Request is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

EPA CONTRACTOR LIST
Updated February, 2015

CONTRACTOR

CONTRACT NUMBER

ASRC Primus Solutions, Inc.
Subcontractor: Booz Allen Hamilton
Effective: August 22, 2013

Contract # EP-W-11-024

Eisenstein Malanchuk LLP
Effective: March 1, 2013

Contract # EP-W-013-006

H&S/Nobis
Effective: September 23, 2011
Subcontractor: TechLaw, Inc.

START 8(a) Contract # EP-S1-11-03

INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. Section 9601 et seq., RCRA, 42 U.S.C. Section 6901 et seq., or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean each entity identified as the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations or companies.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information, including, but not limited to, electronic information. "Document" shall include, but not be limited to:
 - (a) writings of any kind, including electronic documents, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
 1. invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order;
 2. letter, correspondence, fax, telegram, telex, E-mail;
 3. minutes, memorandum of meetings and telephone and other conversations, telephone messages;
 4. agreement, contract, and the like;
 5. log book, diary, calendar, desk pad, journal;
 6. bulletin, circular, form, pamphlet, statement;
 7. report, notice, analysis, notebook;
 8. graph or chart; or
 9. copy of any document.
 - (b) microfilm or other film record, photograph, or sound recording on any type of device;
 - (c) any tape, disc, or other type of memory generally associated with computers and data processing, together with:
 1. the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory; and
 2. printouts of such punch card, disc, or disc pack, tape or other type of memory; and

- (d) attachments to or enclosures with any document as well as any document referred to in any other document.

3. The term “identify” or “provide the identity of” means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with job title, position or business; and (d) the person's social security number.

4. The term “identify” or “provide the identity of” means, with respect to a corporation, partnership, business trust, government office or division, or other entity (including a sole proprietorship), to set forth: (a) its full name; (b) complete street address; (c) legal form (*e.g.* corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

5. The term “identify” or “provide the identity of” means, with respect to a document, to provide: (a) its customary business description (*e.g.*, letter, invoice); (b) its date; (c) its number if any (*e.g.*, invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; (e) and a summary of the substance or the subject matter. Alternatively, Respondent may provide a copy of the document.

6. The term “material” or “materials” shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The terms “the period being investigated” and “the relevant time period” shall mean the period being investigated as specified on the first page of the Information Request Questions.

8. The terms “the Site” or “the facility” shall mean and include the property on or about the 7 acres of land in Windham Maine, currently identified by EPA as the Keddy Mill Superfund Site, which is more fully described in the enclosed Site Description.

9. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

10. The term “asset” shall mean and include but not be limited to the following: cash, commodities, personal property, collectibles, real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations, and unincorporated companies, whether foreign or domestic, securities, patents, stocks, bonds, and other tangible as well as intangible property.

11. The term “real estate” shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

SITE DESCRIPTION

The Keddy Mill Superfund Site ("Site") is located at 7 Depot Street in the Town of Windham, Cumberland County, Maine. The approximate 7-acre Site is located in the Little Falls portion of Windham, Maine. The property is bounded to the north by Depot Street; to the northeast by a partially-developed commercial parcel; to the east by a former Maine Central Railroad right-of-way; to the south and southwest by undeveloped property and the Presumpscot River; to the west by the Presumpscot River, a parking lot property, and a hydroelectric dam and power generating station; and to the northwest by an occupied apartment complex. The Site is further identified on the Town of Windham, Maine tax assessors map as Map 38, lot 7 and the deed recorded at the Cumberland County Registry of Deeds in Book 29050, Pages 322-326.

Many industrial activities were conducted on the Site between 1756 and 1997, including a sawmill, grist and wool carding mill, wood pulp and boxboard manufacturing, steel manufacturing and fabrication of heavy equipment buckets, manufacturing of fire suppression piping and materials, a small machine shop and equipment storage. The site has been vacant since 1997.

Contaminants of concern at the Site include polychlorinated biphenyls ("PCBs") and metals. Contamination from PCBs is widespread throughout the site and inside the abandoned mill building. The Site includes at least two sources of contamination. These include a pile of deposited slag material on the north side of the mill building, and an area of contaminated soil extending from north of the vacant building to the southwest side of the building adjacent to the Presumpscot River.

Samples taken from the Site indicate the presence of VOCs including 2-butanone, acetone, and methyl acetate; SVOCs including numerous polynuclear aromatic hydrocarbons ("PAH's"); PCBs including Aroclor-1242, Aroclor-1248; and numerous metals (arsenic, cadmium, chromium, cobalt, copper, iron, manganese, nickel and zinc) in surface soil. VOCs, PAHs, PCBs and metal were in slag samples.

Various studies and cleanup activities have occurred at the Site. The Maine Department of Environmental Protection ("DEP") coordinated two removal actions at the site by previous owners. The first involved the excavation of 10.88 tons of petroleum impacted soil in 1997. The second, during May and July 2010, was performed in accordance with the Toxic Substances Control Act ("TSCA") Self Implementing Clean-up Plan ("SICP") submitted in 2006. Only a portion of the SICP was performed, including removal of PCB-contaminated fuel oils in remaining piping and PCB-contaminated sludge, dirt, debris and oily materials from within the building. In addition, the current owner constructed a fence around the site at the request of the Maine DEP to deter trespassers.

The Keddy Mill Site was proposed to the National Priorities List of Sites ("NPL") in May, 2013 and placed on the NPL on May 12, 2014.

END OF THE INFORMATION REQUEST

THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER

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1. Article Addressed to:

Mathew Tanzer, VP Assoc. Counsel
Joseph Janeczek
Tyco International
9 Roszel Road
Princeton, NJ 08540

2. Article Number

(Transfer from service label)

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A. Signature

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William H. Tanzer

☐ Agent

☐ Addressee

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Donna Murray

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To: *✓* Mathew Tanzer, VP Assoc. Counsel

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Joseph Janeczek

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